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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,168	12/20/1999	JAMES MARSHALL OATHOUT	SS2945	2005

7590

02/26/2002

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WILMINGTON, DE 19898

EXAMINER

BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

8

DATE MAILED: 02/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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A-5-8

Office Action Summary

Application N .

09/467,168

Applicant(s)

OATHOUT, JAMES MARSHALL

Examin r

Jenna-Leigh Befumo

Art Unit

1771

-- The MAILING DATE of this communication appears on th cover sheet with th correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Amendment A, submitted as Paper No. 7 on January 10, 2002, has been entered. Claims 1 - 5 have been amended. Therefore, the pending claims are 1 - 15.
2. Amendment A is sufficient to withdraw the 35 USC 112 and 35 USC 101 rejections to claims 1 - 7 since method steps have been added.
3. Amendment A is sufficient the 35 USC 102 rejections to claims 1 - 7 over Applicant's Admission set forth in section 10 of the previous Office Action, the 35 UC 102/103 rejection to claims 1 - 5 over Paley et al. (4,888,229) and claims 1 - 5 and 7 over Johnson et al. (GB 2 309 466A) set forth in sections 12 and 13 of the previous Office Action, and the 35 USC 103 rejection to claim 7 over Paley et al. in view of Johnson et al. since the claims now recite the method steps for the method of using a nonwoven fabric. New rejections are set forth below.

Election/Restrictions

4. Applicant's election of Group I in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 8 - 15 are withdrawn from consideration as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

5. Claims 1 - 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. The phrase “wherein the surface from which the liquid was removed has a cleanliness of at least Class 10 as determined by FED-STD-209E” in claim 1 is indefinite. Test FED-STD-209E measures the amount of particles in the air and not the cleanliness of a surface. Further, the tests calculate the amount of particles per unit volume and not area. How can the test FED-STD-209E be used to measure the cleanliness of the surface? Claims 2 – 7 are rejected due to their dependence on claim 1.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1- 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant’s Admission or Johnson et al. in view of Paley et al.

The features of Applicant’s Admission, Paley et al., and Johnson et al. have been set forth in sections 10, 12, and 13 of the previous Office Action. Both Applicant’s Admission and Johnson et al. discloses hydroentangled non-woven cleaning wipes. Both Applicant’s Admission and Johnson et al. fail to teach using the wipes by contacting a surface wherein liquid is present and wiping to remove at least some of the liquid. Paley et al. discloses that wipers are used to clean up spills which can occur in cleanrooms (column 1, lines 29 – 31). Wiping up spills would inherently comprise the steps of contacting the wipe to a surface containing a liquid and removing at least part of the liquid by wiping. Further, it is well known to clean various surfaces with liquid cleaners by spraying the cleaning solution onto the surface and then wiping the surface with a cleaning wipe to remove the liquid (e.g., washing windows with a papertowel and Windex®). Therefore, it would have been obvious to one having ordinary skill in the art to

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remove liquid from a surface by wiping with either of the known nonwoven wipes taught by Applicant's Admission or Johnson et al.

Only the steps of "contacting with the nonwoven fabric a quantity of liquid present on a surface" and "removing from the surface by wiping with the nonwoven fabric at least a portion of the liquid" are given patentable weight with respect to the method of using a nonwoven fabric for wiping, since it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Therefore, the type of fibers or composition of the nonwoven fabric are not given patentable weight since they do effect the method in a manipulative sense. Further, The method of making the nonwoven is also not given patentable weight since it also does not effect the method of using a nonwoven fabric for wiping, but only effects the structure of the nonwoven fabric. And the properties of the fabric, such as the dynamic wiping efficiency and the particle removal efficiency, also do not effect the method of using the nonwoven in a manipulative sense. The properties of the nonwoven fabric relate to the structure and type of nonwoven and not the method of use. Finally, the cleanliness of the surface from which the liquid was removed also does not effect the method in a manipulative sense since the cleanliness would be due to the structural limitations of the fabric and the liquid, i.e., how big the fabric is, what the liquid is, and not the method of using the nonwoven fabric. Therefore, claims 1 – 7 are rejected.

Conclusion

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (703) 605-1170. The examiner can normally be reached on Monday - Friday (9:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Jenna-Leigh Befumo
February 24, 2002



CHERYL A. JUSKA
PRIMARY EXAMINER